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Co-Lead Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION

Master File No. M-02-1486-PJH

MDL No. 1486

This Document Relates to:

~~ALL ACTIONS—~~
DIRECT PURCHASER ACTIONS

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE AUTHENTICATION AND
ADMISSIBILITY OF NON-
TRANSACTIONAL DOCUMENTS**

STIPULATION AND ~~[PROPOSED]~~ ORDER RE AUTHENTICATION
AND ADMISSIBILITY OF NON-TRANSACTIONAL DOCUMENTS
Master File No. M-02-1486-PJH
OHS East:160087115.1

1 The undersigned Defendants and the Direct Purchaser Class Plaintiffs (hereinafter
2 “Class Plaintiffs”) stipulate and agree as follows:

3 1. The parties met and conferred on September 22, 2006, pursuant to this
4 Court’s Order. Having considered prior discussions, the procedure ordered by Judge Spero, and
5 this Court’s Order of September 18, 2006, the parties have hereby agreed upon a process to
6 minimize the expenditure of time and resources of the Court, and the parties, during dispositive
7 motion practice and trial.

8 2. All documents that have been produced by Plaintiffs, Defendants, and
9 Third Parties pursuant to Federal Rules of Civil Procedure 26-37, marked at the time of
10 production with Bates numbers by the producing party, and submitted in connection with
11 dispositive motion practice or identified for admission into evidence at trial, are presumed to be
12 authentic under Federal Rule of Evidence 901, with the exception of handwritten notes or other
13 handwritten documents. The parties also reserve objections with regard to the completeness of
14 documents, including emails, and specifically whether an email or other document is complete, or
15 needs context from another email contained in an email string. Pursuant to this Stipulation, it is
16 presumed that documents, emails and attachments thereto are authentic under Federal Rule of
17 Evidence 901, unless a party makes an affirmative showing through a timely objection that the
18 document or email is not complete, or that an attachment is not the actual document which was
19 attached to the email. All other objections based on authenticity with respect to the documents
20 specified above are waived.

21 3. For purposes of dispositive motion practice only, each party stipulates that
22 any document which was produced from its/his/her own files, and marked at the time of
23 production with Bates numbers by the producing party, and submitted by any party in connection
24 with dispositive motion practice, will be admissible, to the extent it would be at trial, absent a
25 timely objection by a party hereto. An objection is deemed timely if made 10 days before any
26 motion hearing. The making of a timely objection to the admissibility of any document will

1 require the court to resolve the objection prior to relying on the document in determining the
 2 merits of the parties' dispositive motions. Any ruling on the admissibility of documents in
 3 connection with dispositive motions will be made by the Court. The purpose of this agreement is
 4 to streamline the dispositive motion practice, and limit objections to admissibility to the greatest
 5 extent possible without prejudicing any party's right to object.

6 4. For purposes of the pretrial statement and the trial of this matter, the parties
 7 hereto stipulate that no later than December 20, 2006, they will exchange CDs, or other
 8 acceptable electronic media, containing (a) lists of the documents each party intends to use at the
 9 time of trial and (b) electronic versions of the documents (to the extent they were originally
 10 produced in electronic form), sorted by party. Defendants and Plaintiffs shall collectively be
 11 allocated no more than 750 documents per side. Each party hereto shall file a response to the list
 12 provided by January 19, 2007, identifying any documents which that party agrees are admissible.
 13 If the parties are not able to resolve disputes as to admissibility, any party may immediately
 14 notice the depositions of custodians of records commencing on January 26, 2007. Depositions of
 15 foreign parties may be taken telephonically or by videoconference. Discovery will re-open for a
 16 period of thirty (30) days starting on January 26, 2007 to accommodate the taking of any such
 17 depositions.

18 5. All objections other than those described herein, including, without
 19 limitation, objections regarding relevancy and hearsay, are preserved. Exhibits will not be
 20 admitted at trial in the absence of a sponsoring witness who either authored or received the
 21 document or otherwise has some knowledge about the document.

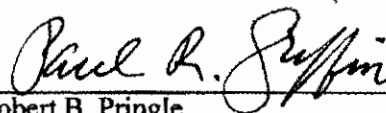
22 Dated: October 4, 2006

Bruce L. Simon for

23 Bruce L. Simon
 24 COTCHETT, PITRE, SIMON & McCARTHY
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*On Behalf of the Direct Purchaser Plaintiffs
 And the Class*

1 Dated: October 4, 2006



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Jonathan E. Swartz
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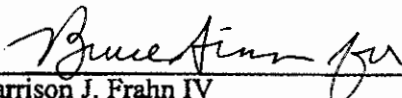
*Counsel for Defendant
NEC Electronics America, Inc.*

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9 Dated: October __, 2006

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Products, inc., and on behalf of the other
Nonsettling Defendants*

Dated: October __, 2006



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Elpida Memory (USA), Inc.*

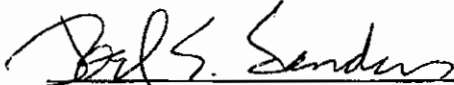
STIPULATION AND [PROPOSED] ORDER
RE AUTHENTICATION
AND ADMISSIBILITY OF NON-
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Master File No. M-02-1486-PJH

1 Dated: October __, 2006

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13 Dated: October 4, 2006

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22 *Technology, Inc. And Micron Semiconductor*
23 *Products, Inc., and on behalf of the other*
24 *Nonsettling Defendants.*

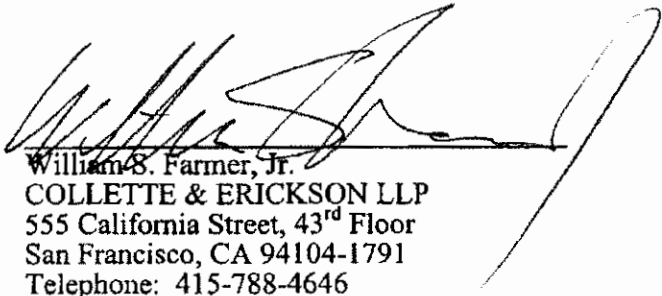
25 Dated: October __, 2006

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29 STIPULATION AND [PROPOSED] ORDER
30 RE AUTHENTICATION
31 AND ADMISSIBILITY OF NON-
32 TRANSACTIONAL DOCUMENTS
33 Master File No. M-02-1486-PJH

1 Dated: October 6, 2006

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11 Dated: October __, 2006

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19 *Corporation*

20 Dated: October __, 2006

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Corporation and
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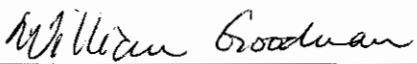
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1 Dated: October __, 2006
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11 Dated: October 12, 2006
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21 Dated: October __, 2006
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1 Dated: October __, 2006
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11 Dated: October __, 2006
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21 Dated: October 5, 2006
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29 STIPULATION AND [PROPOSED] ORDER
30 RE AUTHENTICATION
31 AND ADMISSIBILITY OF NON-
32 TRANSACTIONAL DOCUMENTS
33 Master File No. M-02-1486-PJH

[PROPOSED] ORDER

Good cause appearing, the above stipulation of the parties regarding authentication and admissibility of non-transactional documents is hereby adopted by the Court.

IT IS SO ORDERED.

Dated: 10/16/06



Hon. Phyllis J. Hamilton
United States District Judge
Northern District of California